

May 15, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE TO MEMBERS OF THE BAR

ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF
PROCEEDINGS BEFORE U.S. DISTRICT AND MAGISTRATE JUDGES

Transcripts of proceedings before the U.S. District Judges and Magistrate Judges in the Southern District of California taken by Official Court Reporters, Contract Court Reporters and Electronic Court Recorder Operators are now being filed with the Court in electronic format. Electronic transcripts, once ordered and when produced by the Court Reporter/ECRO, will be e-filed and available for viewing at the Clerk's Office public terminal, but may NOT be copied nor reproduced by the Clerk's Office for a period of 90 days. If there are no redactions to be made, the restrictions will be removed after the 90 day period. The transcript will then be available remotely to view, download or print a copy from PACER at \$.08 cents per page or from the Clerk's Office public terminal at a rate of \$.10 per page. During the initial 90 days after the transcript is e-filed, individuals wishing to purchase a copy of a transcript - in either paper or electronic form - must do so through the Court Reporter. Once an attorney on the case has purchased a transcript, the Court Reporter/ECRO will notify the Clerk's office so the attorney will be given access to the transcript through the court's ECF system.

This will apply to all transcripts of proceedings or parts of proceedings ordered on or after this date, regardless of when the proceeding occurred. Please read this policy carefully. This policy establishes a procedure for counsel to request the redaction from the transcript of specific personal data identifiers before the transcript is made electronically available to the general public.

Whenever an official transcript of a proceeding has been filed by the Official Court Reporter, Contract Reporter or Electronic Court Recorder Operator, a Notice of Filing of Official Transcript will be served on all parties in the case.

Counsel are strongly urged to share this Notice with all clients so that an informed decision about the inclusion of certain materials may be made. **The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk and Court Reporter/ECRO will not review each transcript for compliance with this rule.**

REDACTION PROCEDURE

Within seven calendar days of the filing of the official transcript in CM/ECF, each party wishing to redact a transcript must inform the court, by e-filing a notice with the clerk, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding, as required by Federal Rule of Criminal Procedure 49.1 and Federal Rule of Civil

Procedure 5.2. In CM/ECF, this event is call the Notice of Intent to Request Redaction. If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary, and the transcript will be made remotely electronically available to the public without redaction after 90 calendar days.

If redaction is requested, within 21 calendar days from the e-filing of the transcript with the Clerk, or longer by order of the Court, the parties must submit to the Court Reporter a redaction request statement indicating where the personal data identifiers to be redacted appear in the transcript. The Court Reporter must redact the identifiers as directed by the party. For example, if a party wanted to redact the Social Security number 123-45-6789 appearing on page 12, line 9 of the transcript, the statement would read: "Redact the Social Security number on page 12, line 9 to read xxx-xx-6789." A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g. opening statements and closing arguments), statements of the party, and any transcript of the sentencing proceeding. Only the following personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts may be redacted:

1. Minors' names: use the minors' initials;
2. Financial account numbers: use only the last four numbers of the account number;
3. Social Security numbers: use only the last four numbers;
4. Dates of birth: use only the year;
5. Home addresses: use only the city and state (applicable in criminal cases only).

If a party wants to redact other information, that party must move the Court for further redaction by separate motion served on all parties and the Court Reporter/ECRO within the 21-day period. The transcript will not be electronically available until the Court has ruled on any such motion even though the 90-day restriction period may have ended. The Court Reporter/ECRO must, within 31 calendar days of the delivery of the transcript to the Clerk of Court, or longer by order of the Court, perform the requested redactions and file a redacted version of the transcript with the Clerk of Court.